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| 10/594,597 | 09/28/2006 | Kazutaka Ikeda | 0649-1380PUS1 | 6839 |
| 2292 7590 01/26/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | |
| EXAMINER KAPUSHOC, STEPHEN THOMAS | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1634 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 01/26/2009 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| 10594597 | 9/28/2006 | IKEDA ET AL. | 0649-1380PUS1 |

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EXAMINER

Stephen Kapushoc

| ART UNIT | PAPER |
|----------|----------|
| 1634 | 20090109 |

DATE MAILED:

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Commissioner for Patents

Non-Responsive Amendment

The reply filed on 10/08/2008 is not fully responsive to the prior Office Action (the Requirement for Restriction of 09/08/2008) because of the following omission(s) or matter(s):

Applicants have elected for the examination the claims of Group I as they specifically require haplotype No. 5 (AGAC) as disclosed in Table 8 (p.55) of the specification.

Review of the Elected haplotype in Table 8 and the information of Table 4 indicates that the Elected haplotype comprises: A118G (SEQ ID NO: 15); IVS2 +G691C (SEQ ID NO: 24); IVS3 +A6151G (SEQ ID NO: 28); and IVS3 +C8497T (SEQ ID NO: 30).

However, as amended, the claims require at least one nucleotide sequence from at least two groups of SEQ ID NOs: 1-15; 16 and 25; 26 and 27; 28-98.

As such there is no recitation in the claims that is inclusive of SEQ ID NO: 24, which is required for IVS2 +G691C of the Elected haplotype, and the amendment to the claims is non-responsive as it is not consonant with the Election.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Stephen Kapushoc/
Examiner, Art Unit 1634